

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER SCOTT,)
)
Petitioner,)
)
-vs-) Case No. CIV-06-1010-F
)
JOSEPH SCIBANA,)
)
Respondent.)

ORDER

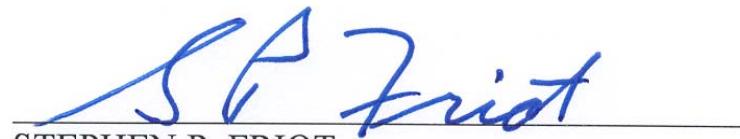
On October 11, 2006, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed without prejudice for lack of jurisdiction. Upon request by petitioner, the court, by enter order dated October 24, 2006, granted petitioner an extension of time, until January 2, 2007, to file any objections to the Report and Recommendation. Petitioner has timely filed his objection.

The court has conducted a *de novo* review of the matter in accordance with 28 U.S.C. § 636(b)(1). Having done so, the court concurs with Magistrate Judge Purcell's recommendation of dismissal without prejudice for lack of jurisdiction. The court specifically finds petitioner's objection to be without merit. Therefore, the court accepts, adopts, and affirms the Report and Recommendation.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on October 11, 2006 (doc. no. 9) is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Petitioner's petition for a writ of habeas corpus

pursuant to 28 U.S.C. § 2241, filed September 15, 2006 (doc. no. 1), is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

DATED December 4, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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